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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

DON'T SHOOT PORTLAND, et al.

Plaintiffs

v.

CITY OF PORTLAND, a municipal
corporation,

Defendant.

Case No. 3:20-cv-00917-HZ

DECLARATION OF DAN RUSHTON IN
SUPPORT OF PLAINTIFF'S MOTION FOR
CLASS CERTIFICATION
ORAL ARGUMENT REQUESTED

I, Dan Rushton, declare as follows pursuant to 28 USC § 1746:

1. I have personal knowledge of the information contained in this declaration. If called upon to do so, I could and would competently testify regarding the matters set forth herein.

2. On June 30th, 2020, I was acting as a medic in support of peaceful protests on North Lombard Street in front of the Portland Police Association building. The march had begun at Peninsula Park, I acted as a traffic director on my bike while the group moved toward the Portland Police Association Building. Once there I parked my bike some distance away and joined the protest on foot.

3. I am a trained Emergency Medical Technician and was present at many protests acting as a medic to provide support and first aid to anyone who needed it. While acting as a medic I always wore a white helmet with large red crosses on it. I also wore red crosses on my clothing to illustrate my role as a medic.

4. At the protest I was standing near an apartment building "kitty corner" across Lombard from the Portland Police association. After about 10 minutes police announced that this was an

unlawful assembly, and we were told to move on. The main body of the group began to move east on Lombard pushed by police. I witnessed no vandalism or other bad activities by protesters, though people were shouting.

5. I remained where I was kitty corner across from the Portland Police Association. There was a black woman near me talking about legality and passive resistance. A group of about 40 to 50 protestors including myself took the woman's words to heart and sat down on the ground. I was seated crisscross. The rest of the protestors, about 250 people, continued to be forced east on Lombard by the police.

6. While sitting with the group police approached me from behind, I was suddenly struck by a baton to the back of my head, by a police officer, fortunately I was wearing my white medic's helmet. I was shocked by the force of the blow and fell forward from where I sat. I quickly scrambled to my feet and started moving to rejoin the body of protesters moving toward the east. Behind me police continued to shout at us to move faster.

7. As I moved east with my hands above my head the police were using munitions; I saw many people hit by projectiles, shoved with batons, and some falling to the ground. Police were pushing with their batons in a way that is like a cross check in lacrosse or hockey; holding their baton's across their chest they would back away from a protester to create space between them, they would then lunge forward shoving violently with their baton sideways to strike a protester. This tactic was more effective at knocking people over than getting them to move.

8. I continued to move east with the other protesters at a brisk walking pace, many protesters and I had our hands over our heads, while officers continued to scream at us to move faster, and to run. It is very dangerous for a large group to run in close proximity to each other because if one stumbles it can cause a lot of injuries. Knowing this I chose not to run.

9. We were about one block east of the Portland Police Association when the police stopped

pushing so the protesters also stopped. A short time later the police resumed their pushing and discharging of munitions into the group moving east on Lombard.

10. When I was about two blocks east of the Portland Police Association building, I was tackled, taken to the ground, and arrested along with about 10 other people. I overheard police officers congratulating each other on having gotten an EMT because my friend informed them, I was an EMT.

11. When I was tackled by police my friend was also tackled, and his face was intentionally ground into the gravel.

12. While in the van with other arrestees I witnessed a man who lived near the demonstration and had been out to see what was going on. He was barefoot and had been badly pepper sprayed.

13. On June 12th, 2020, I was acting as a medic and standing with a small group of about 12 medics, on SW Main St. by the park block, a short distance away from the main crowd of protesters in front of the Justice Center. We stood aside as medics so police would see that we were there to support and aid.

14. While we stood there, about six or seven Portland Police officers rushed up and surrounded (kettled) us against a building. They began shouting for us to move on, but we had no ability to move because the police had trapped us against the building. Then the police began hitting us with batons on our heads and shoulders. The taller of us, myself included, were wearing helmets and caught most of the blows. While keeping us kettled the officers continued clubbing us and shouting at us to move. This lasted for about two minutes and then one officer moved to the side allowing us to move away one at a time, in the direction the officers indicated. As we left the kettle, we were all subjected to further baton strikes

15. I and the other medics moved west away from the area, and I parted ways with them in order to reconnect with my sister and my friend. I found them a short time later. As we moved


away from the park block area, Portland Police officers were telling us to run and move faster. My friend Brian Muhlenkamp had a severe medical condition and physically was unable to run, the police grabbed him and struck him in the groin with a baton, then arrested him. Brian Muhlenkamp has since passed away.

16. I attended protests over 40 days in a row, I felt intimidated and concerned for my safety as well as the safety of others. I knew that at any time someone could be injured or killed.

17. To the best of my knowledge, the officers who used force against me were Portland Police Bureau, they were wearing uniforms that looked like PPB.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 7th, 2022.

 (Jan 7, 2022 10:39 PST)

Dan Rushton